

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

THE FIRST LIBERTY INSURANCE
CORPORATION,

Plaintiff,

v.

APRIL WALKER *et al.*,

Defendants.

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CIVIL ACTION

NO. 12-6823

ORDER

AND NOW, this 7th day of March, 2013, upon consideration plaintiff The First Liberty Insurance Corporation's "Motion to Dismiss Defendant April Walker's Counterclaim Pursuant to F.R.C.P. 12(b)(6)" (Document No. 9), and defendant Walker's response thereto, it is hereby **ORDERED** that:

1. The motion to dismiss is **GRANTED** and defendant Walker's counterclaim against First Liberty Insurance Corporation for bad faith under 42 Pa. Cons. Stat. § 8371 is **DISMISSED WITHOUT PREJUDICE**.
2. Walker is given leave to file an amended counterclaim within thirty (30) days of the date of this order, if she can do so without violating Federal Rule of Civil Procedure 11. Otherwise, the dismissal is with prejudice.

/s/ William H. Yohn Jr., Judge
William H. Yohn Jr., Judge